

Exhibit C #1

Defended Evans and sitting Judge were moving the case while it was stayed to set for trial

Motion for Recusal of Judge Hilary Gurney 3/10/2025 Certificate Filed PTF/ BIVINGS, KAYLA S Certificate of Mailing 3/10/2025 Case Management Conference Officer: HILARY GURNEY Status.: VACT-Vacated 3/14/2025 Notice Filed DEF/ ATLAS RENT ESTATE GROUP DEF/ EDWARDS, AUSTIN Notice of Related Cases F30B9433B591B 3/14/2025 Notice Filed PTF/ BIVINGS, KAYLA S Notice of Filing: Exhibits, and Motion 3/17/2025 Review Officer: HILARY GURNEY Status.: IRVH-Internal Review Held 3/17/2025 Review	Event ID: 000058 E-Filed: J 3/14/2025 08:45 AM 14 V Length: 1.00 Hour(s) Event ID: 000059 E-Filed: J Event ID: 000060 E-Filed: J 3/17/2025 05:00 PM 14 N Length: 1.00 Hour(s) Note.: SET TRIAL 4/04/2025 05:00 PM 14 N
--	--



**DEFENDANT ATLAS REAL ESTATE GROUP, LLC AND AUSTIN EDWARDS'
INITIAL 26(a)1 DISCLOSURES**

Defendants Atlas Real Estate Group, LLC and Austin Edwards ("Defendants"), by and through its counsel, Wegener, Lane & Evans, P.C., hereby provides the following Initial C.R.C.P. 26(a)(1) Disclosures:

A. C.R.C.P. 26(a)(1)(A): Individuals Likely to Have Discoverable Information.

The following individuals may have discoverable information on which Plaintiff may rely in support of its claims and defenses in this case:

1. Representatives of Atlas Real Estate Group, LLC, c/o Meaghan E. Fischer, Wegener Lane & Evans, 743 Horizon Ct, Suite 200, Grand Junction, CO 81506, (970) 242-2645. Representatives of Atlas Real Estate Group, LLC are the Defendants in this case and are expected to have discoverable information relevant to the claims and defenses of the Parties.

Exhibit C #2 opposing council listed sitting Judge as a witness.

2. Austin Edwards, current Portfolio Manager of Atlas Real Estate Group, LLC, c/o Meaghan E. Fischer Wegener Lane & Evans, 743 Horizon Ct, Suite 200, Grand Junction, CO 81506, (970) 242-2645. Representatives of Atlas Real Estate Group, LLC are the Defendants in this case and are expected to have discoverable information relevant to the claims and defenses of the Parties.

3. Victor L. Sulzer, Tschetter Sulzer Muccio, P.C. 3600 S Yosemite St. Suite # 828, Denver, CO 80237, Phone No. (303) 699-3484. Mr. Sulzer was the counsel representing Atlas Real Estate Group in the Unlawful Detainer Action filed with El Paso County, Colorado, County Court, Case No. 2025C30104 and may have discoverable information relevant to the claims and defenses of the Parties.

4. Andrea Paprzycki, in her official capacity as Magistrate, El Paso County, Colorado. Andrea Paprzycki is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Ms. Paprzycki may have discoverable information relevant to the claims and defenses of the parties.

5. Andrea Paprzycki, in her individual capacity. Andrea Paprzycki is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Ms. Paprzycki may have discoverable information relevant to the claims and defenses of the parties.

6. Marika Frady, in her official capacity as County Court Judge, El Paso County, Colorado. Judge Marika Frady is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Judge Marika Frady may have discoverable information relevant to the claims and defenses of the parties.

7. Marika Frady, in her individual capacity. Marika Frady is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Marika Frady may have discoverable information relevant to the claims and defenses of the parties.

8. Hilary Gurney, in her official capacity as District Court Judge, El Paso County, Colorado. Judge Hilary Gurney is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Judge Hilary Gurney may have discoverable information relevant to the claims and defenses of the parties.

9. Hilary Gurney, in her individual capacity. Hilary Gurney is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Hilary Gurney may have discoverable information relevant to the claims and defenses of the parties.



Ms. Bivings, **Exhibit C #3**

Now that the stay has been lifted, I am writing to confer on a motion we plan to file in this matter pursuant to C.R.C.P. 12.

According to the Complaint you filed, you are seeking relief under C.R.S. 38-12-409, 42 USC Sec. 1983, and 28 USC Sec. 2201.

The state district court has no authority or jurisdiction to hear any claims pursuant to 42 USC Sec. 1983 and 28 USC Sec. 2201.

As such, we will be asking that those claims be dismissed, with prejudice. Alternatively, you may stipulate to a dismissal of those causes of action, with prejudice, and we will not seek our attorneys fees and costs related to those claims.

Please advise on your position by end of day, Friday. April 11th.

Additionally, when can we expect to receive your initial disclosures?

Thank you,

Meaghan E. Evans

[743 Horizon Court, Ste. 200](#)
[Grand Junction, CO 81506](#)
970-242-2645

[123 N. Post Oak Lane](#)

Dear Ms. Evans,

Exhibit C #4

This email serves as my formal response to your April 9, 2025 correspondence.

I will not be stipulating to the **dismissal of any claims**, and I reject your request in full. Your attempt to limit liability and reframe the issues in this case is not only inappropriate—it disregards the well-documented misconduct, retaliation, and procedural violations that have occurred throughout these proceedings, including during a period when the case was confirmed to be stayed.

Let me be clear: the inclusion of federal references in my original complaint was intentional and grounded in the broader factual context of this case, especially given the ongoing federal litigation and overlapping actors named in both state and federal matters. Your office was CC'd on the March 14 email confirming the stay, yet you and Judge Gurney continued advancing the case behind closed doors. Now you seek to isolate claims while ignoring the misconduct



Let me be clear: the inclusion of federal references in my original complaint was intentional and grounded in the broader factual context of this case, especially given the ongoing federal litigation and overlapping actors named in both state and federal matters. Your office was CC'd on the March 14 email confirming the stay, yet you and Judge Gurney continued advancing the case behind closed doors. Now you seek to isolate claims while ignoring the misconduct that unfolded under the color of law. That is not how due process works.

Furthermore, the judicial officer presiding over this case remains both a named defendant and listed witness, creating an ongoing and unresolved judicial conflict under C.R.C.P. 97 and Canon 2.11 of the Colorado Code of Judicial Conduct. Until that conflict is lawfully resolved, I have no obligation to fully participate in any proceeding that violates my constitutional rights. That includes your conferral attempt, which I view as coercive and misleading given the context.



I will not be **bullied** or **intimidated** *into forfeiting any part of my claims*—especially not under the threat of your office “not seeking attorneys’ fees” as some form of negotiation. That statement alone speaks volumes about the nature of the legal tactics being employed here.

Any further attempts to extract concessions from me—while this case remains tainted by judicial conflict—will be preserved as part of the ongoing federal record.

I remain positive to resolution that is rooted in integrity, truth, and accountability—not convenience, coercion, or pretense. If the opposing party believes in that spirit, maybe both parties are willing to listen. But I will not surrender my rights, nor the truth, to close a chapter that hasn’t yet been made right.

“A wise person doesn’t fight every battle—they fight the right one, at the right time, on the right terms.”

— Kayla S. Bivings